

TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT
PLANNING AND ZONING DIVISION
PLANNING REPORT

May 27, 1999

SUBJECT: Rezoning ZB 4-1-99

APPLICANTS: William Laystrom, Esq., petitioner / 75 & 595, Inc., owner

ADDRESS/LOCATION: 450 SW 130 Avenue / Generally located on the southeast corner of State Road 84 and SW 130 Avenue

LAND USE PLAN / ZONING: Commercial / B-3, Planned Business District

REQUEST: **From:** B-3, Planned Business District
 To: B-3, Planned Business District amending the conceptual master plan

EXHIBITS TO BE INCLUDED: Rezoning application, subject site map, planning report, and aerial.

ANALYSIS: The subject site is approximately 3.1 acres in area, located on the southeast corner of State Road 84 and SW 130th Avenue, and contains a two-story structure totaling 8,733 square feet which is currently utilized for church, school, and office use. The site is bound by State Road 84 to the north, a mobile home community zoned MH-8 to the south, a retention area serving a mobile home community zoned MH-8 to the east, and commercial use together with a mobile home community zoned B-2 and MH-10 to the west.

The applicant requests rezoning of the site to amend the conceptual master plan associated with the B-3 zoning district as required by Town Code Section 12-34(AA). The corresponding voluntary deed restriction, attached, will remain unchanged. The previously approved conceptual plan provides for two single-story buildings with a north/south orientation on the west side of the site together with the existing two-story structure on the east side of the site. A site plan showing two single-story "flex" space building totaling 27,470 square feet together with the existing 8,733 square foot two-story structure was approved in November of 1997, but expired in May of 1998.

The proposed conceptual plan shows the existing two-story building on the east side of the site together with one proposed single-story building located on the west side of the site, parking/circulation and landscape bufferyards. The plan indicates a scale of 1"=80' which would indicate the size of the proposed structure to be approximately 12,000 square feet. Landscape buffers have been shown at 10 feet around the perimeter and access, other than that restricted by the plat, has not been indicated.

Staff has had preliminary site plan discussions with a car/truck rental facility that proposes

a building approximately 20% the size of that shown on the conceptual plan with fueling facilities. A variance requesting elimination of the separation between motor fuel pump islands and churches/schools pursuant to Town Code Section 12-34(Y), is pending. Town Code Section 12-107(D)(5) requires a 30 foot landscape buffer with berming along State Road 84.

Town Code Section 12-34(AA) addresses the requirement for a conceptual master plan associated with the S, B-3, M-3, U, PCF, SC, UC, FB, and BP zoning district designations. The Code does not address the level or detail of information required to be shown. Therefore, the application as submitted meets the technical requirements of the code. Approval of the proposed rezoning would provide for a substitution of the revised conceptual plan while maintaining the permitted uses as previously approved.

RECOMMENDATION: The Planning and Zoning Department therefore recommends **APPROVAL** of the requested rezoning to the B-3, Planned Business District.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **APPROVAL** (4-0), May 26, 1999.

**TOWN OF DAVIE
CODE OF ORDINANCES
(EXCERPT)**

Section 12-307. Review for rezonings.

- (a) The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will adversely affect living conditions in the neighborhood;
- (e) The proposed change will create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
- (f) The proposed change will adversely affect other property values;
- (g) The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations;
- (h) The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (i) There are substantial reasons why the property cannot be used in accord with existing zoning.
- (j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

EXISTING ZONING: B-3
CODE SECTION:

PROPOSED ZONING: B-3
CODE SECTION:

LAND USE DESIGNATION: COMMERCIAL
504011-27-001 #
FOLIO NUMBER 504011-23-001

TOWN OF DAVIE USE ONLY	
PETITION NO.	<u>ZB 4-1-99</u>
FEE	<u>\$1170.00</u>
RECEIPT NO.	<u>7514</u>

**TOWN OF DAVIE
REZONING APPLICATION**

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to Town of Davie

RECEIVED
APR 7 1999
TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT

DATE FILED: April 7, 1999

PHONE: (954) 525-3441

PETITIONER: C. WILLIAM LAYSTROM, JR., ESQ.

MAILING ADDRESS: 1177 SE 3RD AVENUE, FORT LAUDERDALE, FL 33316

RELATIONSHIP TO PROPERTY: AGENT

OWNER: 75 & 595, INC.

MAILING ADDRESS: 3121 W. HALLANDALE BCH. BLVD., #102, PEMBROKE PARK, FL 33009

ADDRESS OF PROPERTY: 450 SW 130TH AVENUE, DAVIE, FL 33004

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

LEGAL DESCRIPTION SHOWN ON SEALED BOUNDARY SURVEY ATTACHED

ACREAGE: ±3.1 ACRES

REQUEST: REZONE FROM B-3 TO B-3 TO AMEND THE CONCEPTUAL MASTER PLAN

REASON FOR REQUEST (attach additional sheet as necessary): PLEASE SEE ATTACHED.

PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN

OFFICE USE ONLY

APPROVED AS TO FORM: fat PUBLICATION DATE: 4/28/99
5/5/99

MEETING DATE: PLANNING & ZONING BOARD: 5/12/99 TOWN COUNCIL: 6/8/99

NOTICES SENT: _____ REPLIES: FOR: _____ AGAINST: _____

UNDELIVERABLE: _____

Sam Jazayri
OWNER'S NAME(S)

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

312 W. Hallandale Beach Blvd. #102
ADDRESS

Pembroke Park, FL 33009
CITY, STATE, ZIP

(954) 981-1194
PHONE

The foregoing instrument was acknowledged before me
This _____ day of _____, 19____, by
_____ who is personally
known to me or who has produced _____

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: _____

Print: _____

My Commission Expires: _____

C. William Laystrom, Jr.
PETITIONER'S NAME

PETITIONER'S SIGNATURE

1177 SE 3rd Avenue
ADDRESS

Fort Lauderdale, FL 33316
CITY, STATE, ZIP

(954) 525-3441
PHONE

The foregoing instrument was acknowledged before me
This 7th day of April, 1999, by
C. WILLIAM LAYSTROM, JR. who is personally
known to me or who has produced _____

As identification and who did take an oath.

NOTARY PUBLIC:

Sign: Sandi L. King

Print: Sandi L. King

My Commission Expires: _____

OFFICIAL NOTARY SEAL
SANDI L. KING
NOTARY PUBLIC, STATE OF FLORIDA
COMMISSION NO. CC671739
MY COMMISSION EXP. 04/01/01

OFFICE USE ONLY

Sam Jazayri *Pres. 758595, INC.*
OWNER'S NAME(S)

S. Jazayri Pres.
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

312 W. Hallandale Beach Blvd. #102
ADDRESS

Pembroke Park, FL 33009
CITY, STATE, ZIP

(954) 981-1154
PHONE

C. William Lastrom, Jr.
PETITIONER'S NAME

PETITIONER'S SIGNATURE

1177 SE 3rd Avenue
ADDRESS

Fort Lauderdale, FL 33316
CITY, STATE, ZIP

(954) 525-3441
PHONE

The foregoing instrument was acknowledged before me
This 5 day of MARCH, 19 99, by
Sam Jazayri who is personally
known to me or who has produced _____

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: *Lori G. English*
Print: Lori G. English

My Commission Expires:

The foregoing instrument was acknowledged before me
This _____ day of _____, 19____, by
C. WILLIAM LAYSTROM, JR. who is personally
known to me or who has produced _____

As identification and who did take an oath.

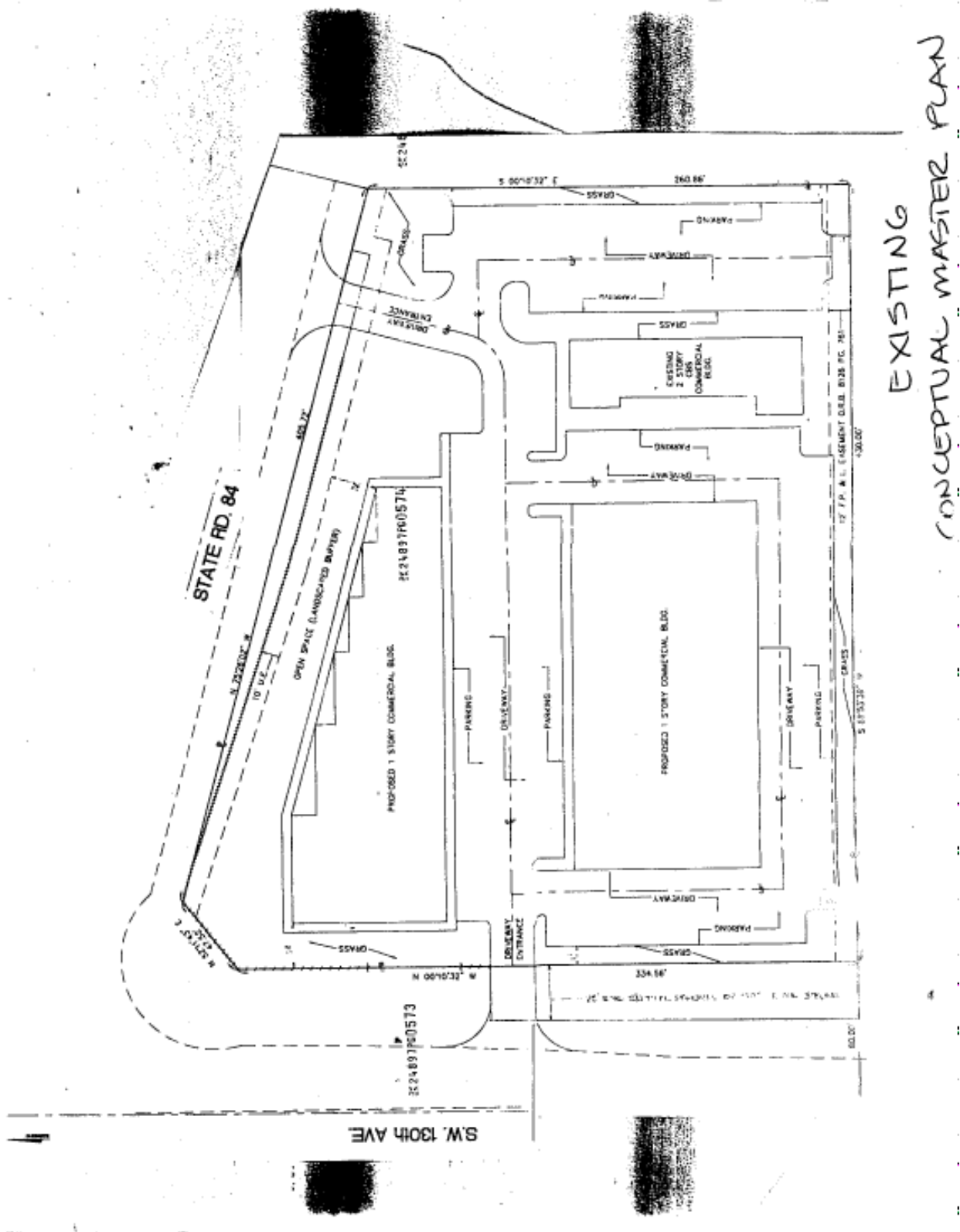
NOTARY PUBLIC:

Sign: _____
Print: _____

My Commission Expires:



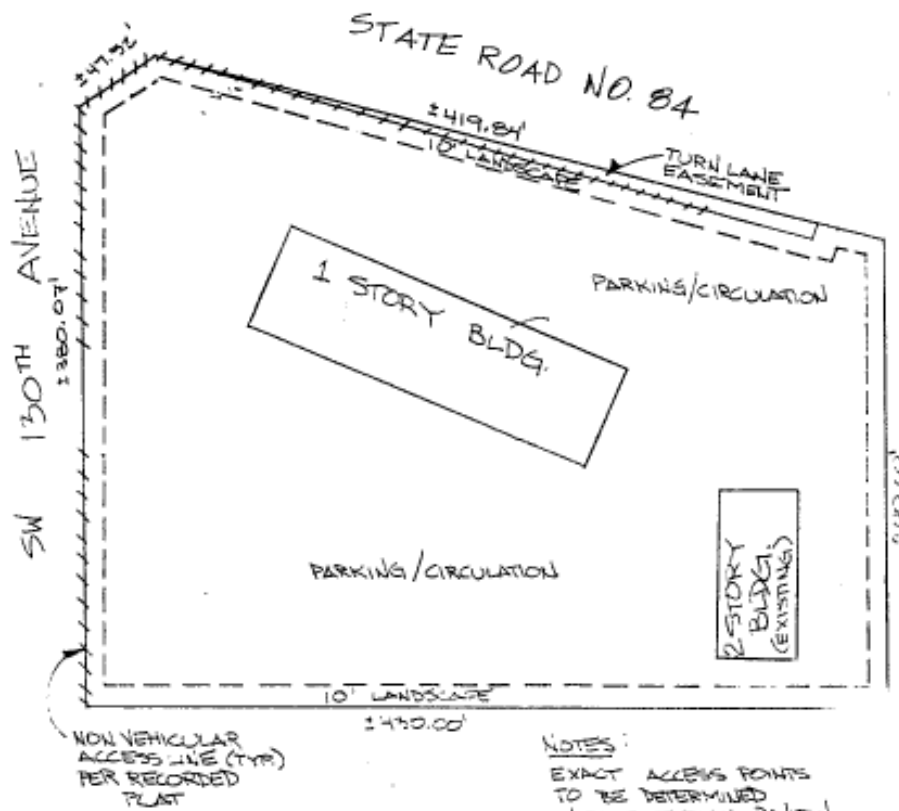
OFFICE USE ONLY



EXISTING
CONCEPTUAL MASTER PLAN

RECEIVED
MAY 20 1999
TOWN OF DAYE
PLANNING & ZONING DEPARTMENT

PROPOSED
CONCEPTUAL MASTER PLAN



NOTES:
EXACT ACCESS POINTS
TO BE DETERMINED
WITH SITE PLAN REVIEW

Prepared by: Sam Jazayri
2401 SW 31 Ave
Pembroke Park, FL 33029
Return to: Town of Davie Clerk's Office
6591 Orange Dr
Davie, FL 33314

"Exhibit C"

96-242891 T#206
05-20-96 09:36AM

DECLARATIONS OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, 75 E. 505 St. (type of corporation), being owners of that certain real property located in the Town of Davie, Broward County, Florida, and described on Exhibit "A" attached hereto and made a part thereof, voluntarily make the following Declaration of Restrictions covering the above-described real property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and this dedication shall be binding upon the undersigned, and upon all persons deriving or taking title through the undersigned. These restrictions, during lifetime, shall be for the benefit of the Town of Davie, Florida.

1. The above-described property shall be used for the following uses:

Warehouse, Storage/Showroom and permitted uses as specified under B-3 zoning district.

Animal Hospital	Antique, Craft Shops
Art Gallery	Banks, Financial
Bakery, Delicatessen	Barber, Beauty Shops
Bookstores, Newsstand	Catering (Food)
Contractor, office only	Florist, Plant Shop
Gift Shops	Medical Clinic, Doctor's Office
Office	Office Equipment Sales
Personal Services	Pharmacy
Photographic Studio	Plant Nursery
Real Estate Office	Repair Shop, except vehicle or boat repairs
Restaurants, Fast Food	Studios (art, music)
Retail Sales Other	Truck, Auto, Trailer, Utility Rental
Sales Office	
Wholesale	

Churches, houses of worship as a tenant within a multi-tenant building, not to include sole occupant of freestanding buildings.

2. These restrictions shall not be construed to grant a use not allowable under the applicable zoning category of the subject property.
3. Development of the described property shall be in conformance with the approved master land use plan attached hereto and made a part hereto as Exhibit "B", or any amendment thereto approved by the Town of Davie.
4. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination thereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title or assigns from applying to the Town of Davie, Florida, for modifications of this Declaration of Restrictions or termination hereof.
5. Invalidity of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order in no way shall affect any other provisions, which shall remain in full force and effect.
6. This Declaration of Restrictions is executed for the purpose of protecting the health, safety and welfare of the (residents of the subject property and) citizens of the Town of Davie.


BR24897F0566

(11)

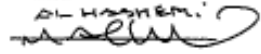
(11)

IN WITNESS WHEREOF, I have set my hand and seal this 5th day of Dec.,
19 95.

Signed, Sealed and delivered


D. J. GARDNER

Witness:


WITNESS

Witness:

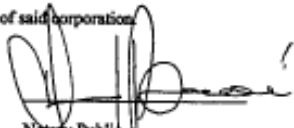

By: Owner Sam Jazayri

STATE OF FLORIDA:

: SS

COUNTY OF BROWARD:

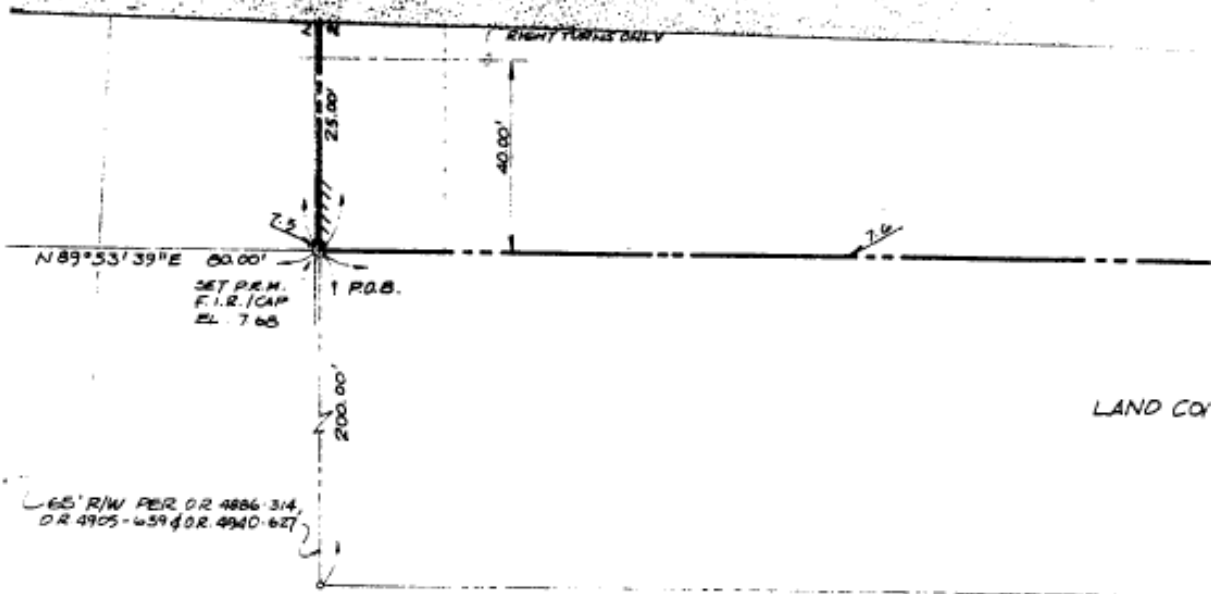
The foregoing instrument was acknowledged before me this 5 day of Dec., 1995 by
Sam Jazayri as President of 75 & 595 Inc., in behalf of said corporation.


Notary Public

My Commission Expires:




BK 24897PS0567

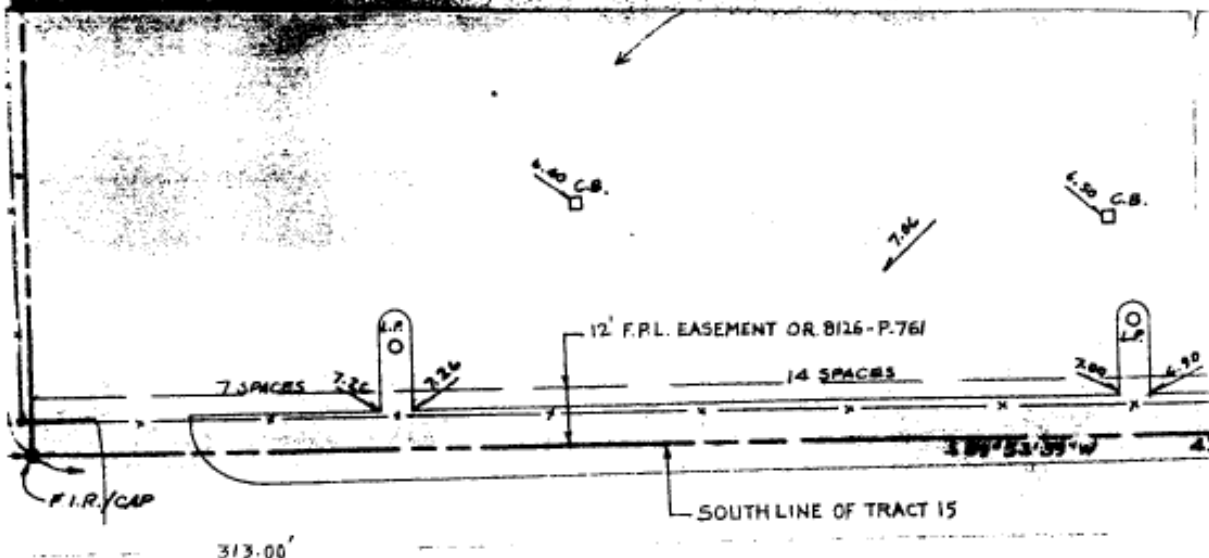


LEGAL DISCRIPTION:

All of parcel "A" of Butler Plaza, according to the plat thereof as recorded in plat book 133, page 24 of the Public Records of Broward County, Florida. Said land, situate, lying and being in the Town of Davie, Broward County, Florida. Containing 1.14 acres more or less.

95-181.lgl

		 <p>ASSOCIATED ENGINEERS & SURVEYORS, INC. STUDIES, DESIGN, INSPECTION SERVICES 3400 CHURCH ROAD, SUITE 401, DAVIE, FLORIDA 33314 PHONE (305) 944-1111 FAX (305) 944-1112</p>	
1/95	ADD CERTIFICATION		D.J.
DATE	REVISION		BY



That portion of Tract 15, of FLORIDA FRUIT LAND COMPANY'S SUBDIVISION of Section 11, Township 30 South, Range 40 East, according to the Plat thereof, recorded in Plat Book 2 at Page 17 of the Public Records of Dade County, Florida, described as follows:

Beginning at a point on the South line of said Tract 15, located 50 feet East of the centerline of said Section 11; thence, run Northerly parallel with the centerline of said Section 11, a distance of 200 feet; thence, Easterly parallel with the South line of said Tract 15, a distance of 400 feet; thence Southerly parallel with the centerline of said Section 11, a distance of 200 feet to a point on the South line of said Tract 15; thence, Westerly 400 feet to the Point of Beginning; said land lying in Broward County, Florida, and containing 2.1120 Acres.

ADD EASEMENTS	D.J.
REVISION	BY



ASSOCIATED ENGINEERS & SURVEYORS, INC.

STUDIES, DESIGN, INSPECTION SERVICES, LAND

1000 S.W. 10TH AVE., SUITE 100, MIAMI, FL 33135

PHONE (305) 584-0900

REZONING JUSTIFICATION

In March 1996, the Town Council approved a B-3 rezoning for the subject site. Included with this approval were deed restrictions and a conceptual master plan. At this time, the petitioner is seeking a rezoning from the B-3 zoning district to the B-3 zoning district for the purpose of amending the conceptual master plan. This request will allow for a different configuration of a proposed new structure. No new or different uses are proposed, and the deed restrictions will remain as originally approved by the Town Council.

The current master plan that was approved by Council showed an existing two story commercial building on the southeastern portion of the site. It also showed two new buildings on the western side of the site; one to the south and one to the north. The attached conceptual master plan, which is the reason for this rezoning request, depicts a change in building location. Rather than showing two new structures by the western side of the north and south boundaries, the proposed conceptual master plan shows a single one-story structure in addition to the already existing building. The new structure will be centrally located on the property, affording far greater structural setbacks to the property lines.

The proposed rezoning from B-3 to B-3 to amend the conceptual master plan is consistent with the general intent and purpose of the Code. As a result, this request merits favorable consideration and approval.

